

REMARKS

Re-examination and allowance of the present application is respectfully requested.

Initially, Applicant thanks the Examiner for discussing this application with Applicant's representatives Arnold Turk and Steven Wegman, on July 24, 2007. During the telephone interview, Mr. Turk discussed the drawing requirements set forth by the Examiner in the Ex Parte Quayle action, indicating the manner (including revisions to Figs. 2A and 20) by which Applicant proposed to respond to the action. The Examiner indicated that the discussed manners of responding to the drawing objections would overcome the drawing objections set forth in the Ex Parte Quayle action, and that upon receipt of a filed response, she would pass the application to issue.

In the Ex Parte Quayle action mailed on July 12, 2007, the Examiner indicated that the pending claims (e.g., claims 54, 55, 60, 61, 63, 67, 69, 76, 77 and 83-146) are allowable. However, the Examiner objected to the drawings, asserting that certain features recited in claims 63, 69, 77, 109, 120, 124 and 140 must be shown in the drawings.

By the current response, Applicant revises Figs. 2A and 20 in the manner discussed with the Examiner during the telephone interview, and thus submits that the application is now in condition for allowance by the Examiner.

With respect to claim 63, the Office Action asserted that the feature of discounting the closing price of the auction when the winning bidder is bonded needs to be shown in the drawings. In accordance with the agreement reached with the Examiner during the

above-noted telephone interview, Applicant herewith revises step 2005 of Fig. 20, and Fig. 2A to reflect that a discount may be offered.

With respect to claim 69, the Office Action indicated that the drawings must show the feature of an advertisement offsetting the cost of a guarantee or bond. During the above-noted telephone interview, Mr. Turk informed the Examiner that this feature is illustrated, for example, in step 1413 of Fig. 14B of the drawings. The Examiner reviewed Fig. 14B and agreed that the feature of claim 69 is shown therein, and thus, this drawing objection would be withdrawn.

With respect to claim 77, the Office Action indicated that the drawings must show the feature of providing a discount when a first bidder has opened an account or has obtained a bond and reject a first bid when the first bidder has not opened an account or has not obtained a bond. During the above-noted telephone interview, it was agreed that this requirement would be satisfied by revising Fig. 2A of the drawings to add a notation between Seller 201 and Buyer 204 that indicates that the seller can reject a bid if the bidder was not bonded.

The Ex Parte Quayle action additionally indicated that the feature of selectively raising the first tier guarantee to a second tier guarantee, recited in claim 109, must be shown in the drawings. During the above-noted telephone interview, Mr. Turk informed the Examiner that this feature is illustrated, for example, in Fig. 19 of the drawings. Specifically, Mr. Turk informed the Examiner that at step 1907 in Fig. 19, a determination is made as to whether the bond is a standard bond (step 1914) or a preferred bond (step 1908). Based upon the Examiner's review of Fig. 19, she agreed

that the feature of claim 109 is illustrated in Fig. 19 and agreed to withdraw this drawing objection.

The Ex Parte Quayle action also sets forth that the feature of claim 120, allowing a seller to reject a bid from a bidder that does not have a guarantee, must be shown in the drawings. It was agreed during the above-noted telephone interview that this requirement would be satisfied by Applicant revising Fig. 2A of the drawings to add a notation between Seller 201 and Buyer 204 indicating that the seller can reject a bid.

Claim 124 recites the feature of a banner ad in the online auction paying for the cost of a guarantee, which the Examiner indicated must be shown in the drawings. During the above-noted telephone interview, Mr. Turk indicated that this feature is illustrated, for example, by element 1002 in Fig. 10, which illustrates a Banner Ad, and step 1413 of Fig. 14B. Upon the Examiner's review of Figs. 10 and 14B, she agreed that the feature of claim 124 is illustrated in the drawings, and agreed to withdraw this drawing objection.

In the Ex Parte Quayle action, the Examiner asserted that the feature of reducing a final auction price to a winning bidder that purchased a guarantee, which is recited in claim 140, must be shown in the drawings. During the above-noted telephone interview, Mr. Turk indicated that this drawing objection is similar to that set forth with respect to claim 63, and noted that Applicant would revise step 2005 of Fig. 20 and add a notation to Fig. 2A to reflect that a discount may be offered. The Examiner agreed that such changes to the drawings would satisfy the drawing requirement and result in the withdrawal of this objection to the drawings.

In view of the above, Applicant submits that all of the drawing objections set forth by the Examiner in the Ex Parte Quayle action no longer exist. Accordingly, Applicant respectfully requests that the Examiner withdraw the various objections to the drawings.

The herein submitted changes to the drawings include revising the drawings to indicate that a bid may be rejected. Accordingly, Applicant herewith amends page 40 of the specification to delete the phrase “(not depicted)”, as this feature is now illustrated by, for example, Fig. 2A of the drawings.

In view of the present response, Applicant submits that all of the features asserted by the Examiner as needing to be shown in the drawings are illustrated therein. Accordingly, the Examiner is respectfully requested to withdraw the objections to the drawings. The Examiner is further respectfully requested to re-confirm the allowability of the pending claims by issuing a Notice of Allowability and Notice of Allowance and Issue Fee Due in this application.

Request For Indication Of Deletion of Inventor

Applicant note that a Preliminary Amendment: Request to Delete Inventor was filed August 9, 2004 requesting deletion of David Smith as an inventor as all claims pertaining to Smith's contribution to the invention, claims 16-21 and 57 had been canceled. Applicant hereby requests entry of this request, and formal indication that David Smith has been deleted as an inventor.

Authorization is hereby provided to charge any fee necessary to enter the request and/or to delete David Smith as an inventor to Deposit Account No. 19-0089.

Request for Indication of Consideration of Previously Submitted Materials

Applicant notes that a Fourth Supplemental Information Disclosure Statement that included a PTO-1449 Form was filed on March 28, 2007. Further, a Completion of Record that included a PTO-1449 Form was filed on June 27, 2007 to correct a typographic error in a PTO-1449 Form that accompanied an Information Disclosure Statement filed on November 29, 2004. The Examiner has failed to return completed copies of these PTO-1449 Forms to evidence the Examiner's consideration of the submitted materials. The Examiner is believed to have considered the materials cited in these submissions. However, in order to ensure a complete file record, the Examiner is respectfully requested to return the completed PTO-1449 Forms with the next official communication.

Should an extension of time be required in order to render this response timely and/or complete, a request for an extension of time, under 37 C.F.R. §1.136(a) is herewith made in an amount equal to the time period required to render this response timely and/or complete. Authorization is herewith provided to charge any required fee to Deposit Account No. 19-0089.

If there should be any questions concerning this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Shelton E. HARRISON, Jr.



Arnold Turk

Reg. No. 33,094

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